

REMARKS

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

Continued Examination Under 37 CFR 1.114

In response to the Examiner's comments on the status of the claims, Applicants are indicating that Claims 1-5 and 8-9 are canceled, without prejudice to pursuing them in a later filed divisional application.

Information Disclosure Statement

In responses to the Examiner's request, Applicants state that the abstracts represent a concise explanation of the non-English references, as required under 37 CFR 1.98(a)(3).

A clean copy of the PTO form 1449 is included.

Claim Rejections - 35 USC §112

The Examiner also rejects Claims 6-7, 10-12 and 19-47 under 35 USC §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In particular, the Examiner contends that there is no support in the specification as originally filed for the term "continuously discharging". Applicants respectfully disagree and respectfully submit that Figs. 1B, 1C, 13B, 13C, 14A and 14B, for example, show the claimed feature. As shown

in the figures, the application liquid is clearly applied continuously from the nozzles to the pixel columns, while the nozzle and the pixel column are connected through the application liquid comprising an organic light-emitting material. Hence it is respectfully submitted that there is sufficient disclosure of the claimed element.

The Examiner also objects to Claims 35 and 42 under 35 USC §112 second paragraph. Applicants have corrected the dependency of these claims so that there is a sufficient antecedent basis for the objected to term.

It is respectfully submitted that the §112 rejections have been overcome, and it is requested that they now be withdrawn.

Claim Rejections - 35 USC §103

The Examiner also has the following rejections under 35 U.S.C. §103:

- A. Claims 6, 10-12, 19-20, 22-25, 31, 33-37 and 39-42 are rejected as being unpatentable over Miyashita et al. in view of Horike, Iguchi and Kasubuchi et al.
- B. Claims 7, 21, 32 and 38 are rejected as being unpatentable over Miyashita in view of Horike, Iguchi and Kasubuchi and further in view of Fujimura.
- C. Claims 26, 28-30, 43 and 45-47 are rejected as being unpatentable over Miyashita in view of Horike, Iguchi and Kasubuchi and further in view of Kurosawa et al.
- D. Claims 27 and 44 are rejected as being unpatentable over Miyashita in view of Horike, Iguchi, and Kasubuchi and further in view of Kurosawa and further in view of Fujimura.

Each of these rejections is respectfully traversed.

In order to advance the prosecution of this application, Applicants are amending claims to state “continuously discharging said application liquid comprising an organic light-emitting material

to a pixel column while the nozzle and the pixel column are connected through the application liquid comprising said organic light-emitting material”.

All the pending claims are rejected over Miyashita in view of at least Horike and Iguchi and using Kasubuchi as alleged evidence that a continuous ultrasonically-operated ink-jet printers are capable of providing continuous streams of droplets.

However, Figs. 1 and 2 of Kasubuchi clearly illustrated that the droplets 4 are separately emitted from the nozzle to a receiving paper on the drum 10. Hence, one skilled in the art would not understand Kasubuchi to disclose the claimed feature of the present application.

Further, the claims of the present application recite that the application liquid is discharged continuously while the nozzle and the pixel column are connected through the application liquid comprising said organic light-emitting material. The MPEP 2144.07 states that selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945) and selection of a known plastic to make a container of a type made of plastics prior to the invention was held to be obvious in *Ryco, Inc. v. Ag-Bag Corp.*, 857 F.2 1418, 8 USPQ2d 1323 (Fed. Cir. 1988). As shown in this MPEP section, the cited references should be “for performing the same function” (described at the end part of MPEP 2144.07). However, the underlined claimed function above is not disclosed in either Miyashita or Horike. Therefore, even if Iguchi taught the underlined function of the claimed invention, Miyashita and Horike teach a different function than that in Iguchi, not only with respect to the material used (*Miyashita*: EL material; Iguchi: Phosphor; Iguchi does not teach organic EL material), but also with respect to the underlined function. Hence, the combination of these references is improper.

Additionally, the Examiner does not assert another motivation or suggestion for combining Iguchi and the other two references. Therefore Applicant respectfully submit that in light of the above and the amendment herein, the Examiner's argument of a prima facie case of obviousness is not proper.

Accordingly, it is requested that this rejection also be withdrawn, and it is respectfully submitting that each of the §103 rejections has been overcome.


Conclusion

For at least the above-stated reasons, the present application is now in an allowable condition and should be allowed.

Please charge our deposit account 50/1039 for any further fee for this amendment.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,


Mark J. Murphy
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500